

U.S. Department  
of Transportation

**Federal Highway  
Administration**



# **Scenic Byways Advisory Committee Report**

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# Executive Summary

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The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) directed that the Secretary of Transportation establish a National Scenic Byways Advisory Committee to assist him in developing a national scenic byways program. The Secretary appointed a 17-member committee including representatives of Federal agencies, local and State governments, and related interest groups.

The Committee's unique challenge and opportunity was to recommend to the Secretary of Transportation those minimum criteria by which State and Federal agencies would designate and operate certain outstanding scenic byways as National Scenic Byways and All-American Roads, while at the same time maintaining and improving the intrinsic qualities (scenic, historic, natural, cultural, recreational, or archaeological) of those byways and the corridors they traverse.

In addressing this challenge, the Committee's deliberations were charged with great enthusiasm. A federally supported program to identify and develop those special scenic byways that offer outstanding scenic, historic, natural, cultural, recreational, or archaeological values appears long overdue.

A national scenic byways program offers an unparalleled chance to move forward in protecting and preserving, by means of a corridor management plan for each National Scenic Byways or All-American Road, the significant assets in the corridor. Those who seek the Federal designation of those National Scenic Byways and All-American Roads must give back something in return: commitments to preserve and protect the assets in the affected corridors.

That the program might increase national and international tourism—and create new jobs and economic development—while also serving to preserve the irreplaceable intrinsic qualities of the selected scenic byways corridors, makes it an attractive program. A joining together of objectives to achieve a concurrence of benefits aptly describes the proposed program. Protecting intrinsic qualities may actually increase tourism and lead to economic development.

The demand for such a federally initiated program exists: Vacationers and tourists from every State in the union, and from every country in the world, want to know where to find America's most pleasant or most interesting roads. Historic and environmental preservationists want to save significant sites and landscapes. The tourist industry and recreational interests want to help travelers experience the America that lies outside the big cities.

A federally supported program of National Scenic Byways and All-American Roads will for the first time begin to satisfy these diverse demands in a systematic, coordinated fashion. The opportunity to accomplish so much is truly exciting, and the Committee intends that this report, though necessarily concentrating on process and procedures, convey its unanimous sense of excitement over the potential benefits of the proposed program.

The concept of the All-American Road is especially dramatic. All-American Roads will clearly be in a class by themselves—not only in their attractiveness to visitors but also in terms of how vigorously those attractions will be preserved and enhanced. Many will possess intrinsic qualities unique to the whole world.

These most outstanding of the Nation's scenic byways are not well known to foreign tourists. Naming them as All-American Roads and then promoting them internationally should provide an excellent way to benefit the American economy, to educate the world about the "real America," and to lay a new kind of basis for international good will.

Importantly, the proposed program would be a voluntary program. No State or municipality would be required to participate. Such participation would be strictly at their own initiative—a "bottoms-up" approach, rather than one called for by Federal mandate. Accordingly, there would be no penalties, such as forgoing any Federal-aid highway funding apportionment, for non-participation. Citizens and local and State governments should welcome the program because of the economic benefits through increased tourism and resource protection benefits it will bring them.

In reaching its final recommendations, the Committee's most demanding task and greatest challenge was to find means to preserve the intrinsic values of the corridor while allowing for the promotion of tourism. While many different views were expressed, the Committee consistently chose the path of balancing these major program objectives in a way that would allow both to be achieved. The Committee at all times sought solutions that represented a concurrence of benefits for all interested parties. Some disagreements were encountered, but they were relatively minor and do not weaken the Committee's solid unanimity in all other areas.

The Committee feels strongly that its proposed program is possible and practical. The program's timely implementation will mark a significant milestone in preserving some of the Nation's most valuable scenic, historic, natural, cultural, recreational, and archaeological resources, and making them more accessible to its own citizens and those of the world.

Having successfully discovered so much on which its diverse membership agreed, the Committee makes these suggestions and recommendations to the Secretary of Transportation with even more enthusiasm than when its discussions began.

***Program Purposes  
and Principles***

- National Scenic Byways would be designated to promote their recognition and interpretation, and to assure the long-term maintenance and enhancement of American

**Program Structure**

landscapes by preserving the major intrinsic qualities of scenic byways corridors—their outstanding scenic, historic, natural, cultural, recreational, or archaeological assets.

- All-American Roads may be described as a further selection of the very best (the *crème de la crème*) of those designated as National Scenic Byways—roads or highways through corridors that offer such stunning intrinsic values that both domestic and international travelers will enjoy exploring them.
- Any public road or highway can become part of the program—no possibilities are excluded—provided that it meets the broad criteria recommended by the Committee, such criteria subsequently to be the basis for development in greater detail by the Federal Highway Administration (FHWA).
- There should be a National program to identify, recognize, promote, and protect State-nominated, federally designated National Scenic Byways and All-American Roads.
- The program should aim to maintain the intrinsic values of nationally designated byways corridors and, where appropriate, to improve them for the enjoyment of future generations of Americans.
- Each State is urged to have its own scenic byways program, but whether or not it does, its participation in the national program shall be entirely voluntary. Neither participation nor non-participation in the national program shall restrict or infringe upon any State's or Federal agency's own scenic byways processes or program.
- Roads nominated as National Scenic Byways and All-American Roads will typically be State-designated scenic byways and will, in effect, be “elevated” from State to national and international recognition. Such high-profile attention will almost certainly attract greater numbers of visitors, with consequent economic benefits to communities within the byways corridors.
- States may nominate roads for national recognition that are not State-designated scenic byways provided they meet criteria and requirements for national designation. Thus, roads that meet national criteria but not State criteria may be considered for national designation or, roads that meet

**Nomination Process**

national criteria in States without an established scenic byways program may be considered for national designation.

- Nominations to the program may originate from any local government, including Indian tribal governments, or any private group or individual, but must come through the States. All nominations must be carefully screened by the submitting State so that only highways of truly outstanding merit are nominated.
- Nominations of scenic byways on public lands may originate from the U.S. Forest Service, the National Park Service, the Bureau of Land Management, or the Bureau of Indian Affairs, but must also come through the State, with the States' concurrence. [See Appendix A, Note 1.]
- The Committee supports the continued multiple use of Federal lands—that is, for both recreation and for indigenous commerce such as timbering, mining, and grazing—provided such multiple use is consistent with Federal land management agency policy, and takes this opportunity to commend such agencies for the excellence of their scenic byways development practices.

**Designation Process**

- The Secretary of Transportation should be assisted in the review of roads or highways nominated either as National Scenic Byways or All-American Roads by the Departments of the Interior, Agriculture, and Commerce.
- In addition, the Secretary of Transportation should be assisted in the review of highways nominated as All-American Roads by a non-paid advisory panel representing various scenic byways interests, including experts on intrinsic values, and representatives of the tourist and economic development industries.
- Final designations of National Scenic Byways and All-American Roads will be made by the Secretary of Transportation.

**Basic Designation  
Criteria**

- To be named as either a National Scenic Byway or an All-American Road, a road or highway must be considered significant in at least one of six categories of “intrinsic

value," providing scenic, historic, natural, cultural, recreational, or archaeological qualities of outstanding merit.

- To be named as either a National Scenic Byway or an All-American Road, a road or highway will also be evaluated as to how well it meets criteria for user safety, user facilities, and local and State plans to maintain the intrinsic values of the corridor through which it passes.
- Both National Scenic Byways and All-American Roads must safely and conveniently accommodate two-wheel-drive automobiles with standard clearances.
- National Scenic Byways and All-American Roads should accommodate, wherever feasible, bicycle and pedestrian travel.
- An important criterion for both National Scenic Byways and All-American Roads is continuity. Neither should have too many gaps but should be as continuous as possible and should minimize intrusions on the visitor's experience.
- A corridor management plan developed with provision for public involvement must accompany each nomination. Such a plan must demonstrate how the National Scenic Byways or All-American Road will be operated and managed, how corridor preservation and enhancement will be implemented, and include a map and inventory of existing and planned development.
- The Committee believes that in the implementation of the corridor management plan, a practical balance between private property rights and the public interest (maintaining the intrinsic values of the corridor) can be achieved through the application of such traditional tools as land-use zoning, the conveyance of easements, and economic incentives.
- The level of intrinsic value will quite often vary along any scenic byways, of course, and it is expected that levels of corridor protection will be highest through those sections with the greatest intrinsic value, and such sections must be indicated in the corridor management plan.
- A corridor management plan must also show strong evidence of local support and continuing advocacy and commitment to the designation of a highway as a National Scenic Byway or All-American Road. With so many positive benefits likely to

**All-American Roads  
Designation Criteria**

accrue to local economies, support at this grass-roots level must be expected.

- A corridor management plan must demonstrate that intrusions on the visitor's experience have been minimized to the extent feasible, and include a plan for making improvements to enhance that experience (such as relocating utility lines that detract from significant scenic vistas). Such improvements should be eligible for Federal scenic byways program funding grants.
- A corridor management plan should include a narrative describing how the National Scenic Byways will be positioned for marketing.
- To be named an All-American Road, a highway must not only meet all the requirements for designation as a National Scenic Byway, but must also satisfy various added criteria. All-American Roads must clearly be in a class by themselves, not only in their attractiveness to visitors, but also in how vigorously those attractions will be preserved and enhanced.
- One of the additional criteria for All-American Roads is the demonstration of the extent to which protection measures are in place and the degree of commitment that has been made for the continued maintenance of intrinsic values in the byways corridor. Management mechanisms—"who does what"—must also be identified.
- Another added requirement is a description of the ways in which the All-American Road itself may be considered a destination—the ways in which it may be unique.
- Still another added requirement is an identification of the outstanding attractions, special events, recreational opportunities and all other special attributes of the All-American Road corridor. Such features contribute to and support the basic All-American Road concept.
- A corridor management plan must also contain a viable marketing plan describing various measures that would be taken to attract travelers—especially those from foreign countries—indicating the groups and agencies responsible for such marketing.

### **Funding**

- The FHWA scenic byways program grants may be made to States for use in developing State scenic byways programs, for making pre-designation improvements to roads potentially eligible for designation as National Scenic Byways or All-American Roads, or for improving or enhancing such roads following their designation.
- The FHWA should encourage States with modest or non-existent scenic byways programs to strengthen or start statewide programs. The Committee believes that every State has one or more scenic byways of which its citizens may be proud and which warrants recognition and development. Benefits can accrue from State programs even where none of the State's scenic byways ultimately gains national or international recognition.
- A majority of the Committee recommends that FHWA encourage States to use normally apportioned Federal-aid highway funds in ways that help achieve the objectives of the recommended scenic byways program, and that are not inconsistent with corridor management plans. [See Appendix A, Note 2.]
- The FHWA scenic byways program grants shall be made from a single funding account for all purposes, without reference to any predetermined percentage allocation formula for individual purposes. The intention is to keep red tape and paperwork to a minimum, while permitting maximum flexibility in the use of such funds.
- Funds for developing National Scenic Byways and All-American Roads that are not State highways that are located on federally managed lands should come entirely from Federal sources. A change in Federal legislation should be sought to make this possible. The current legislation requires that the Federal share be 80 percent for all programs and projects funded under the scenic byways program.

### **De-Designation Procedures**

- A road designated as a National Scenic Byway or All-American Road may be considered for de-designation by the Secretary of Transportation if it no longer meets the intrinsic value criteria for designating; that is, if local and/or State commitments described in a corridor management plan have not been met sufficiently to retain an adequate level of intrinsic values to merit designation. Requests for possible de-designation could originate anywhere, but must come

### ***Signing***

through the States to the Secretary, following the same procedural steps used in the initial nomination process.

- In order that they be uniquely—and attractively—identified, there should be one logo, shape, or symbol for National Scenic Byways route signing and other purposes, and another such logo, shape, or symbol for All-American Roads, each to be easily distinguishable from the other.
- Such identification devices should be developed by design professionals through a distinctive use of colors, letter sizes and styles, and artwork that will convey a distinguished and environmentally sensitive image for the National Scenic Byways and All-American Roads programs. Such “badges of honor” may be phased in over time, and designed initially as attachments to existing scenic byways signs.
- The FHWA should fund the design development of such devices (whose designs should be trademarked), but the States, and on Federal lands, the managing agency, will be responsible for their production and placement. National Scenic Byways program funds may be used for that purpose.
- Such devices shall also be used on official maps, brochures, and promotional literature promulgated by State and Federal agencies.

### ***Outdoor Advertising***

- The most difficult issue for the Committee to resolve was outdoor advertising controls on scenic byways. Extensive discussion and debate resulted over the interpretation of the existing laws as well as recommendations for the proposed National Scenic Byways program. Consensus could not be reached in several areas. Therefore, votes were taken, often with very close results, to permit decisions to be arrived at on key issues. Appendix A includes a description of the issues and the actual votes taken.
- Congress included in the ISTEA a provision pertaining to scenic byways and outdoor advertising controls. The legislative language reads as follows: Title 23, United States Code, 131(s) says that “if a State has a scenic byways program, the State may not allow the erection along any highway on the Interstate System or the Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with



subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section."

As used in this ISTEA provision and this section of the report, the term Federal-aid primary system means the Federal-aid primary system in existence on June 1, 1991, and any highway that is not on this system but which is on the National Highway System.

- A majority of the Committee did not support a recommendation that the Secretary of Transportation require a demonstrated commitment not to add new billboards, but accepting those which were in place. The Committee then agreed that its vote should not be construed as meaning it favored new billboards. [See Appendix A, Note 3.]

This motion referred to a prohibition of billboard construction on routes other than Interstate and Federal-aid primary routes which are designated as National Scenic Byways and All-American Roads.\*

- A majority of the Committee, however, did recommend that the Secretary of Transportation encourage the States to extend billboard controls to limit new billboard construction on National Scenic Byways and All-American Roads. [See Appendix A, Note 4.]

This motion applies to all National Scenic Byways and All-American Roads, regardless of road system.\*

- A majority of the Committee recommends that corridor management plans for All-American Roads require States to demonstrate the ability and the commitment to ban construction of new billboards on All-American Roads except in communities with populations greater than 25,000 and to encourage the use of alternative business identification signs

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\* In balloting approval of the final report language, there was a lack of consensus among the Advisory Committee members over the interpretation of these two votes due to some disagreement among members as to the interpretation of the ISTEA statutory language. The FHWA reviewed the Advisory Committee comments and accepts full responsibility for the language interpreting these two votes.

such as tourist oriented directional signs (TODS) and specific service (LOGO) signs. [See Appendix A, Note 5.]

- A majority of the Committee encourages the use of the TODS or the LOGOs or similar State-sponsored programs on appropriate byways subject to current law as alternative ways for businesses to advertise which are smaller and less intrusive to the visitor experience. [See Appendix A, Note 6.]
- A majority of the Committee recommends the development of a Federal TODS, LOGO, or similar program as alternative ways for businesses to advertise which are smaller and less intrusive to the visitor experience, with legislation if necessary. [See Appendix A, Note 7.]
- The ISTEA's and Highway Beautification Act's controls would apply to a scenic byway designated in accordance with the nomination process as a National Scenic Byway or All-American Road that is on the Interstate or Federal-aid Primary System even if it is not designated pursuant to State law as a State scenic byway.

### ***Design Standards and Safety***

- A primary factor in setting design criteria for National Scenic Byways and All-American Roads should be to protect the intrinsic values of the road. Both American Association of State Highway and Transportation Officials (AASHTO) and State standards are acceptable, but should be used flexibly so that both safety and intrinsic values are maintained.
- All nationally recognized scenic byways should be maintained to particularly high standards, not only for travelers' safety and comfort, but also for preserving the highest levels of visual integrity and attractiveness. The States and municipalities responsible for road maintenance should strive to have visitors return home praising the well-kept roads they found.

### ***Other Recommendations***

- The Secretary of Transportation should consider various tax and related incentives that will encourage land owners in scenic byways corridors to keep their lands in low-intensity uses or even to donate easements or land to appropriate public agencies.

***Implementation Suggestions***

- The Secretary of Transportation should consult with relevant Federal agencies to discuss their giving priority in their programs to those public lands covered by National Scenic Byways and All-American Road corridor management plans.
- Upon request, the FHWA should provide technical aid to any Federal, State, or local agency, including Indian tribal governments and local non-profit citizen groups, serving as a clearinghouse for the exchange of information on all scenic byways matters.
- The FHWA should also prepare procedural manuals, conduct training seminars, sponsor original research, and participate in the various other activities necessary to the development of National Scenic Byways and All-American Roads.
- Good National Scenic Byways and All-American Road projects should be identified and moved ahead quickly in order to establish as soon as possible some highly visible models and worthwhile results of the recommended National Scenic Byways program.
- The Committee commends the Congress for funding the National Scenic Byways program through fiscal year 1997, and urges that the Congress follow on with the active support of the expanded program recommended in this report.



# I. Introduction

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## ***The Charge from Congress***

Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) directed that the Secretary of the U.S. Department of Transportation establish a National Scenic Byways Advisory Committee to assist him in developing a National Scenic Byways program. The Advisory Committee was to be composed of representatives of Federal agencies, local and State governments, and selected groups with particular expertise.

The Committee was broad-based; its 17 members included the Administrator of the Federal Highway Administration (or his designee) as the chairman; appointees from the U.S. Forest Service, the National Park Service, the Bureau of Land Management, the Bureau of Indian Affairs, and the U.S. Travel and Tourism Administration of the Department of Commerce; and individuals especially well qualified to represent the interests of the recreational users of scenic byways, conservationists, the tourism industry, historic preservationists, highway users, State and local highway and transportation officials, the motorist public, groups interested in scenic preservation, the outdoor advertising industry, and the planning professions.

## ***The Duties of the Committee***

The ISTEA declares that the National Scenic Byways Advisory Committee "shall develop and make to the Secretary recommendations regarding minimum criteria for use by State and Federal agencies in designating highways as scenic byways and as All-American Roads for purposes of a national scenic byways program to be established under title 23, United States Code."

Such recommendations were to include recommendations on the following:

- Consideration of the scenic beauty and historic significance of highways proposed for designation as scenic byways and All-American Roads and the areas surrounding such highways.
- Operation and management standards for highways designated as scenic byways and All-American Roads, including strategies for maintaining and improving the qualities for which a highway is designated as a scenic byway or All-American Road, for protecting and enhancing the landscape and view corridors surrounding such a highway, and for minimizing traffic congestion on such a highway.
- Standards for scenic byways-related signs, including those which identify highways as scenic byways and All-American Roads and the advisability of uniform signs identifying highways as components of the scenic byways system.
- Standards for maintaining highway safety on the scenic byways system.
- Design review procedures for location of highway facilities, landscaping, and travelers' facilities on the scenic byways system.
- Procedures for reviewing and terminating the designation of a highway designated as a scenic byway.
- Such other matters as the Advisory Committee may deem appropriate.

- Such other matters for which the Secretary may request recommendations.

Recognizing that highly detailed technical recommendations on all of these subjects would go well beyond the time and funds available to it, the Committee decided that its best contributions would be made by giving greater attention to questions of policy and the provision of overall guidance.

The Committee supports the development of more detailed information and guidance on designation criteria and procedures by the Federal Highway Administration (FHWA).

### ***The Committee's Working Procedures***

The Committee met four times: in a one-day organizational meeting, December 1, 1992; a two-day work session, January 28 and 29, 1993; a two-day work session, March 30 and 31; and a final one-day work session, June 2. All its meetings were held in the Washington, D.C. area.

The Committee established several principles to govern its deliberations, namely (1) to aim for consensus, but where consensus was lacking, to record and to report majority and minority opinions by actual vote, (2) to seek and value the participation of all its members, (3) to hold every member equally responsible for making realistic and implementable recommendations, and (4) to focus its greater attention on policy-related rather than detailed technical issues. Of the 147 recommendations contained herein, seven were resolved by votes of the Committee. A summary of these votes is found in Appendix A.

## II. National Scenic Byways Program Recommendations

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### ***A. Program Purposes and Structure***

#### ***1. Purposes***

The Committee based its various recommendations concerning the development of National Scenic Byways and All-American Roads on certain underlying purposes and principles. The greatest purposes of the recommended National Scenic Byways program were seen as:

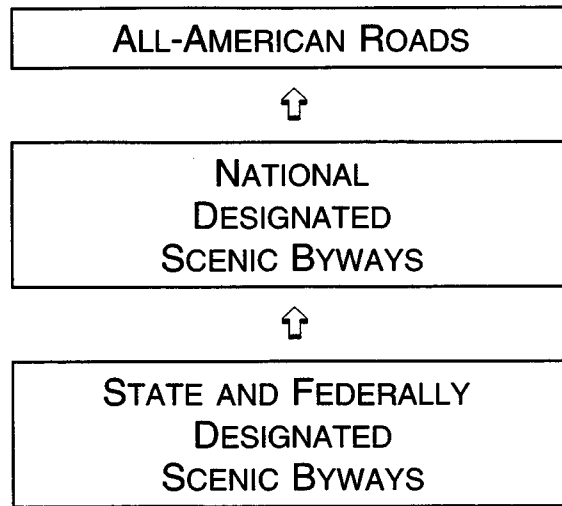
- Promoting the recognition and interpretation and assuring the long-term maintenance and enhancement of American landscapes by preserving the major intrinsic qualities of scenic byways corridors—their outstanding scenic, historic, natural, cultural, recreational, or archaeological assets.
- Attracting increased numbers of both international and domestic visitors to National Scenic Byways and All-American Road corridors, benefiting State and local economies. Recreational travel already accounts for one-seventh of all travel in the United States and has grown steadily and predictably in recent decades.
- Providing broad learning experiences for all travelers, emphasizing the educational and interpretational opportunities they present within National Scenic Byways and All-American Road corridors.
- That any national scenic byways program must balance maintaining the scenic and other intrinsically desirable qualities of a byways corridor with the needs of tourism and corridor development. Mutual and reasonable accommodation to both objectives should be sought in order to assure that future generations of Americans will continue to enjoy living in or driving through the corridor.
- That the program must begin at the local grass-roots level: the desire to name and develop any road or highway as a National Scenic Byway or All-American Road must originate at the local or State level. The impetus for designation and development must originate with, and have the support of, local individuals or associations, and local and State governments.
- That each State is urged to have its own scenic byways program, but whether or not it does, its participation in the national program shall be entirely voluntary. Neither participation nor non-participation in the national program shall restrict any State's or Federal agency's own scenic byways processes or program.
- That the early success of the proposed national program is important. To help achieve that success—while still maintaining acceptably high standards for byways corridor management and highway user safety—unnecessary paperwork requirements must be carefully avoided.

In reaching its recommendations to achieve these purposes, the Committee adopted the following guiding principles:

## 2. Structure

The Committee recommends that there be a State-nominated, federally designated program of National Scenic Byways and All-American Roads. Such roads and highways would be non-system-specific; that is, they would not have to be a part of any local, State, or Federal highway system. All public roads and highways would be eligible for the program.

As shown in Figure 1, the program will be built largely upon a structure already in place—that mileage of roads and highways now designated as scenic byways by the States, or by Federal land management agencies (the U.S. Forest Service, the National Park Service, the Bureau of Land Management, and the Bureau of Indian Affairs). The concept is one of elevating or “advancing” the best of the Nation’s scenic byways to national and international status, through their designation at the Federal level as National Scenic Byways and All-American Roads.



*Figure 1. “Advancement” of State and Federal Lands Designated Scenic Byways*

States may nominate for national recognition roads that are not designated State scenic byways provided that they meet the criteria and requirements (to be discussed later) for national designation. This will not be a typical situation.

Although it is considered highly desirable that a highway to be designated by the Secretary of Transportation as either a National Scenic Byway or an All-American Road should already have been designated a State scenic byway, the Committee does not believe this should be mandatory. Thus, roads that meet national criteria but not State criteria may be considered for national designation, or roads that meet national criteria in States without an estab-



lished scenic byways program may be considered for national designation.

As shown in Figure 1, All-American Roads will represent the highest order of federally designated scenic byways—what many would call the *crème de la crème* of all scenic byways. The designation “All-American Road” has been intentionally chosen in order to convey a clear sense of the “best of the best.”

The Committee feels that most States have one or more roads or highways that qualify for the proposed National Scenic Byways program. Taken all together they should represent a cross-section of American culture and history at its finest.

Importantly, it should be understood that the roads and highways to be selected as National Scenic Byways and All-American Roads will not form a continuous, interconnected system. Though individual byways may be hundreds of miles long, and some may actually interconnect with others, the intention is to designate such byways on their own merits.

The Committee foresees no particular target mileage for the program; however, the mileage of roads or highways eligible for All-American Road status may be limited due to their highly unique characteristics.

Here and throughout this report, the terms “road” and “highway” are interchangeable. They are not meant to define higher or lower functional classifications or wider or narrower cross-sections. Moreover, wherever the terms State scenic byways, National Scenic Byways, or All-American Road are used, they normally refer not only to the road or highway itself but as well to the corridor through which it passes. Because corridors vary greatly in width and length, and may be variously defined, the Committee generally uses the term “corridor” in its broadest sense.

## **B. National Scenic Byways**

National Scenic Byways may be described as roads or highways that local residents and local and State officials consider so outstanding as to merit recognition at the national level—highways passing through corridors of such great interest that they reflect the intrinsic values of the area and result in increased tourism and economic development.

To qualify as a National Scenic Byway (or as an All-American Road), a road or highway must possess at least one of the six “intrinsic values” (scenic, historic, natural, cultural, recreational, or archaeological) identified by the Committee as crucial to such

designation. In this sense, an intrinsic value refers to a feature considered representative, unique, or irreplaceable—perhaps a river canyon, a mountain range, a pioneer trail, or similar feature of major local or regional significance, such as the “Pennsylvania Dutch” countryside.

The designation of National Scenic Byways will not only serve to preserve the intrinsic qualities of the selected corridors but, in many cases, also increase the numbers of visitors coming to experience those qualities. This will normally create new jobs and foster economic development. Preserving what is best in the corridors, while providing for needed economic development, should appeal to all interested parties.

The designation and active promotion of outstanding roads and highways as National Scenic Byways will bring rewards to everyone: to tourists who are searching for America’s most beautiful and most interesting roads; to historic and environmental preservationists who are working to protect and enhance many of the Nation’s more treasured sites and landscapes; to the tourist industry and recreational interests who want to help travelers to have interesting and enjoyable experiences while traveling through rural and urban America.

### **C. All-American Roads**

All-American Roads may be described as the very best (the *crème de la crème*) of those roads or highways designated as National Scenic Byways. These are roads or highways through corridors that offer such stunning intrinsic values that both domestic and international travelers will enjoy exploring them.

Many All-American Roads will connect to America’s largest cities, provide links between separate areas of historical significance, provide linkage to important sites along the road itself, and often will be near to other scenic byways.

The Committee expects that some All-American Roads will be continuous, running many hundreds of miles in length. One of the criteria in their selection (discussed later) is the element of continuity, and the related requirement that All-American Roads include relatively few sections in which there is little for the visitor to experience. All-American Roads may rightly be considered destinations unto themselves—in some cases, lengthy corridors that would require several days for the average tourist to explore completely while opting to stay overnight somewhere along the way.

Put most simply, the active promotion of All-American Roads—perhaps by the American Automobile Association and the U.S. Travel and Tourism Administration of the Department of Commerce—can be expected to encourage international travelers to visit lesser-known areas of the U.S. more often, to stay longer, and to travel more widely while here. Their expenditures while in the United States should not only contribute to national and local economies but also foster international understanding and good will.

Just as important—and in the long run, more important—is the fact that the incomparable intrinsic qualities of the All-American Road corridors will be preserved, and sometimes enhanced, thanks to their gaining widespread recognition for having such qualities and thanks to the protections developed pursuant to All-American Road designation. Designation as an All-American Road will offer an important means by which today's children, and their descendants to come, can realize the promise that much of America's most precious scenic and historic heritage will not be lost.

#### ***D. Nomination Process***

The Advisory Committee favors a nomination process as the means through which roads and highways can be recognized for their intrinsic qualities. Roads or highways nominated for consideration as National Scenic Byways or as All-American Roads should be carefully screened by the submitting States, so that only those with high-quality intrinsic values are considered. Procedures to ensure that result include:

- Nominations to the program can originate from any local government, including Indian tribal governments, or any private group or individual.
- Nominations to the program of byways on public lands may originate from the U.S. Forest Service, the National Park Service, the Bureau of Land Management, or the Bureau of Indian Affairs, but must also come through the States, with the States' concurrence. [See Appendix A, Note 1.]
- The Committee supports the continued multiple use of Federal lands—that is, for both recreation and for indigenous commerce such as timbering, mining, and grazing—provided such multiple use is consistent with Federal land management agency policy, and takes this opportunity to commend such agencies for the excellence of their scenic byways development practices.

- To minimize paperwork, nominations to the States from local sponsors may consist of two steps: the first would involve submitting only that amount of documentation needed to determine whether the scenic byway possessed intrinsic value sufficient to merit its designation as a National Scenic Byway or All-American Road; and second, only after this was accepted would the local sponsor send forward the remainder of the nomination package.
- A corridor management plan (see subsequent section on the requirements for such plans) must be a part of the full nomination package, but need not accompany preliminary nominations to the State for the purpose of establishing the presence of intrinsic value.
- States should have public/private advisory committees with public participation and certain classes of expert representatives, including: tourism, transportation, natural and scenic resources, historic preservation, economic development, local governments, and/or Federal agencies responsible for planning.
- The Committee notes that it is important to be aware there may be a need in the future for an appeal process for local groups to go directly to the national program (if they want to appeal a State's decision not to seek designation or funding for a byway they support).
- A State can nominate a highway as either a National Scenic Byway or an All-American Road even though that highway is not designated as a State scenic byway. The Committee expects this to be an exception to the more usual situation in which nationally designated scenic byways will be drawn from an array of State scenic byways.
- A single application may be used by a State to seek the designation of a nominated highway as either a National Scenic Byway, an All-American Road, or as both. A highway nominated for, but failing to meet, the requirements for All-American Road designation will automatically be considered for designation as a National Scenic Byway unless the State requests otherwise.
- The States should be allowed to demonstrate the quality of nominated highways through the use of videos and other innovative techniques.

The Advisory Committee recognizes that many States as yet have no scenic byways programs and for various reasons may not wish to start programs at this time. The Committee, nevertheless, hopes that the opportunity for nominating their outstanding scenic byways for national recognition will encourage these States to consider taking at least the preliminary steps to allow more meaningful nominations to be made.

## **E. Designation Process**

The formal designation by the Secretary of Transportation of a road or highway as a National Scenic Byway or All-American Road confers high honor not only on that road or highway but also upon those communities and States in which it is found. The Committee recommends that:

- The Secretary of Transportation should be assisted in the review of highways nominated either as National Scenic Byways or All-American Roads by the Departments of the Interior, Agriculture, and Commerce.
- In addition, the Secretary of Transportation should be assisted in the review of highways nominated as All-American Roads by an advisory panel consisting of six to eight experts reflecting a cross-section of the scenic byways community of interests (including experts on intrinsic values, tourism, and economic development).
- Final designations of National Scenic Byways and All-American Roads will be made by the Secretary of Transportation.
- Designation actions normally will be taken once a year but can be taken more or less often depending upon the number and complexity of nominations.

## **F. Designation Criteria**

The first group of designation criteria that follow—the basic criteria—apply both to National Scenic Byways and All-American Roads. A second group will list additional criteria that apply only to nominations for All-American Road designations.

### **1. Basic Criteria**

Given that all public roads are eligible, that all National Scenic Byways and All-American Roads must safely accommodate two-wheel-drive automobiles with standard clearances, and that whenever feasible they must also accommodate pedestrian and bicycle travel, the basic criteria for determining which of those

roads warrant designation as National Scenic Byways or All-American Roads are that:

- The proposed National Scenic Byways or All-American Road must possess outstanding intrinsic value. Nominated roads or highways must have at least one of these qualities: natural, scenic, historical, cultural, recreational, or archaeological.
- Once the intrinsic quality or qualities of a nominated road or highway corridor are positively demonstrated, additional criteria must be considered. The Committee has identified additional criteria that fit into one of five groups: those relating to the protection of the corridor's major intrinsic qualities, providing user features, assuring public participation in the planning and implementation process, promoting and marketing the unique attractions within the scenic byways corridor, and improving or enhancing the corridor. Not all of these items need be present and some will be considered more important than others.
- Maintaining the intrinsic qualities of the corridor involves the application of such measures as adopting design guidelines and standards; adopting policies to recognize and protect the intrinsic values; using tax incentives, zoning, or negotiations to balance the interests of parties affected by the designation.
- User features include such things as visitor experience (including promoting and interpreting the significant features of the corridor, and signage); tourism and related amenities (including brochures, maps, and signage); travelers' facilities (including parking, food service, and restrooms); access and accessibility (including pedestrian and bike facilities); and safety (including level of traffic congestion, suitability for additional traffic, length of road, and roadway surface).
- Assuring public participation in the planning and implementation process means seeking local understanding of the objectives of the particular scenic byways designation, and a strong local commitment and continuing advocacy of it. Support is sought openly from all affected and interested parties: e.g., land owners, businesses, citizens, local governments, and Federal agencies.
- Promoting and marketing particular scenic byways involves having a plan whereby all levels of government as well as community groups and individuals participate in assuring that both domestic and international tourists have access to information that will enhance their experience of those scenic

byways. This is particularly important with regard to All-American Roads, which could be marketed internationally by the U.S. Travel and Tourism Administration as well as by the U.S. travel and tourism industry.

- Enhancing corridors relates to any activity that in fact improves one or more of the intrinsic qualities of the particular scenic byways corridor, such as relocating obtrusive utility lines, restoring or rehabilitating historic structures, or providing roadside plantings and other visual enhancements. Enhancing corridors also includes improving interpretation and educational opportunities available to visitors about the intrinsic values of the byways, such as material in guide books, interpretive brochures, exhibits in visitors centers and other facilities, and accessible museum collections.

An important criterion for both National Scenic Byways and All-American Roads is continuity. Neither should have too many gaps but should be as continuous as possible and should minimize intrusions on the visitor experience. The level of intrinsic value will quite often vary along any scenic byway, of course, and it is expected that levels of corridor protection will be highest through those sections with the greatest intrinsic value.

## **2. Added Criteria for All-American Roads**

The “superstars” of scenic byways, All-American Roads must meet certain additional and more stringent criteria in order to merit that designation. Sometimes those criteria may vary only slightly from those against which National Scenic Byways candidates are evaluated. Some special added criteria to be met by All-American Roads include:

- The nominated highway and its highway-related motorist facilities (including turnouts) can safely accommodate two-wheel-drive automobiles with standard clearances. As a general rule, All-American Roads should be open to conventional tour buses except where a particular byway cannot accommodate them safely.
- Where feasible, bicyclists and pedestrians also can be accommodated safely, and certain user facilities (such as rest stops and water fountains) provided for them.
- International directional and sign symbols are in place before the road or highway is designated as an All-American Road.

- Byways should be as continuous as possible in terms of the presence of intrinsic values and in terms of minimizing intrusions on the visitor experience.
- Municipalities along the All-American Road corridor pledge significant support for the corridor management plan and agree to cooperate in its implementation.
- A demonstration of the extent to which protection measures are in place, and the degree of commitment that has been made for the continued maintenance of intrinsic values in the All-American Road corridor.
- Enforcement mechanisms for insuring the maintenance of those values have been identified, and a clear understanding of “who does what” is indicated.
- While the level of corridor maintenance may vary in its different sections, in principle, the greatest attention will be given to those parts of the corridor that most reflect its major intrinsic values.

The selection of All-American Roads should also consider how well candidate byways connect to major cities, provide links between separate areas of historical value, provide links to important sites along the road itself, and are near to other scenic byways. As a group, the selected All-American Roads might desirably represent a range of real “Americana” sought by many international travelers.

## **G. Corridor Management Plans**

### **1. Basic Requirements**

How well the proposed National Scenic Byway or All-American Road meets basic designation criteria will be described in a corridor management plan. Such plans will be a required part of all submissions seeking such national designations. The FHWA will subsequently provide the States with added information and procedural guidance on their preparation, but such plans must include at least the following:

- a) A map identifying the corridor boundaries and the location of intrinsic resources and different land uses within the corridor.
- b) An assessment of such intrinsic resources and of their context.



- c) A strategy for maintaining and enhancing those intrinsic resources. The level of protection for different parts of a National Scenic Byway or All-American Road can vary, with the highest level of protection afforded those parts which most reflect their intrinsic values. However, all nationally recognized scenic byways should be maintained to particularly high standards, not only for travelers' safety and comfort, but also for preserving the highest levels of visual integrity and attractiveness.
- d) A schedule and a listing of all agency, group, and individual responsibilities in the implementation of the corridor management plan, and a description of enforcement and review mechanisms, including a schedule for the continuing review of how well those responsibilities are being met.
- e) A development strategy describing how existing development might be enhanced and new development might be accommodated while still preserving the intrinsic values of the corridor. The Committee believes that this can be done through design review, and such land management techniques as zoning, easements, and economic incentives.
- f) A plan to assure on-going public participation in the implementation of corridor management objectives.
- g) A general review of the road or highway's safety and accident record to identify any correctable faults in highway design, maintenance, or operation.
- h) A plan to accommodate commerce while maintaining a safe and efficient level of highway service, including convenient user facilities.
- i) A demonstration that intrusions on the visitor experience have been minimized to the extent feasible, and a plan for making improvements to enhance that experience (such as relocating utility lines that detract from significant scenic vistas). Such improvements should be eligible for Federal scenic byways program funding grants.
- j) A discussion of whether the corridor is in an air quality attainment or non-attainment area, and if in a non-attainment area, an assessment of the impact of national designation on air quality.

- k) A demonstration of compliance with all existing local, State, and Federal laws on outdoor advertising (see section on Outdoor Advertising).
- l) A signage plan which demonstrates how the State will control and make the number and placement of signs more supportive of the visitor experience.
- m) A narrative describing how the National Scenic Byways will be positioned for marketing.
- n) A discussion of design standards as they may apply to proposed modifications, if any, to the roadway, with a discussion and evaluation of how they may impact on its intrinsic qualities.
- o) A description of plans to interpret the significant resources of the scenic byways.

Because the corridor management plan concept is relatively new and experimental, the Committee accepts that the content and implementation commitments described therein may need to be evaluated flexibly at the outset of the program, but with increasing vigor as the program continues. Such plans should be updated regularly, reflecting the implementation progress made. The Committee views the corridor management plan as a dynamic document, not one simply to be filed and forgotten.

## **2. Added Requirements for All-American Roads**

Additional, more stringent corridor management plan content requirements relevant to submissions for All-American Road designation include:

- A narrative on how the All-American Road would be promoted, interpreted, and marketed in order to attract travelers, especially those from other countries. The agencies responsible for these activities should be identified.
- A description of the ways in which the All-American Road may be considered a destination in itself—especially those ways in which it may be unique. An All-American Road might be thought of as presenting the traveler with a succession of intrinsic qualities and experiences.
- An identification of the outstanding attractions, special events, recreational opportunities, and all other special attributes of the corridor. Such attributes should be shown as supporting the All-American Road concept.

- A plan to encourage the accommodation of increased tourism if this is projected. Some demonstration that the roadway, lodging and dining facilities, roadside rest areas, and other tourist necessities will be adequate for the number of visitors induced by the byways' designation as an All-American Road.
- A demonstration that multi-lingual highway directional signing is in place, or an explanation of when it will be or why this is not needed. Multi-lingual interpretive facilities or materials (such as brochures and advertisements for food and lodging) should also be available from the outset, but interpretive roadside signs and kiosks need only be planned. The Committee encourages the installation of local kiosks or other information stands to provide appropriate information on local services and activities to meet tourist needs.

## **H. Funding**

The following recommendations apply to the use of scenic byways grant funds used for National Scenic Byways and All-American Road purposes. Any State may continue to use ISTEA surface transportation program (STP) funds for State scenic byways purposes, and the Committee urges that they do so in ways that support national scenic byways program objectives. Thus, the Committee recommends that the States use ISTEA and other Federal funds to help carry out corridor management plans.

A majority of the Committee recommends that the FHWA encourage States to use normally apportioned Federal-aid highway funds in ways that help achieve the objectives of the recommended scenic byways program, and that are not inconsistent with corridor management plans. [See Appendix A, Note 2.]

All Federal funding will be aimed at acquiring designation as a National Scenic Byway or All-American Road, including maintaining the characteristics which led to designation, and enhancing a designated highway.

The FHWA scenic byways program grant funds may be used by other Federal land management agencies for the same purposes as they are used by the States, but only by agreements with the States, which shall remain the sole recipients of such funds.

Funds for developing National Scenic Byways and All-American Roads that are not State highways that are located on federally managed lands should come entirely from Federal sources. A change in Federal legislation should be sought to make this possible. The current legislation requires that the Federal share be

80 percent for all programs and projects funded under the Scenic Byways program. The rationale for seeking this change in Federal legislation is perhaps best illustrated by reference to the situation on Indian Tribal Lands: Few of the more than 500 federally recognized Indian tribes in the United States have the ability to match available Federal funds in the development of non-State highway system scenic byways on Indian lands. Still, many of these tribes see such scenic byways development as a way to generate more visitors and to bolster tribal economies. The Committee feels that this is a desirable objective, and that the Federal legislation should be appropriately changed to allow for it.

Scenic byways grant funds may be used for three purposes, as shown in Figure 2, but will not be divided into three parts with some percentage allocation to each use. Scenic byways grant funds may be used for:

- Predesignation planning such as developing State scenic byways programs, developing corridor management plans, or enhancing particular roads or highways that have the potential for designation as National Scenic Byways or All-American Roads.
- Predesignation investments (such as construction, developing a zoning plan, or land acquisition) on State-designated and federally designated scenic byways to make them eligible for designation as National Scenic Byways or All-American Roads.
- The enhancement or improvement of designated National Scenic Byways or All-American Roads.

FUNDING CATEGORY	WHAT IS ELIGIBLE?	ENCUMBERED?
Predesignation planning.	Developing State programs or potential routes	Unencumbered
Pre-designation investments to make an identified route eligible—construction, zoning, land acquisition.  The objective is that the work would make the byway eligible for national designation.	State-designated and federally designated scenic byways	Encumbered
Enhancement or improvement of nationally designated roads.	National Scenic Byways and All-American Roads	Encumbered

*Figure 2. Funding under the National Scenic Byways program.*

Scenic byways grant funds used for predesignation planning shall be unencumbered; funds for all other uses shall be encumbered. An “encumbered” grant means the use of funds to pursue specifically defined and agreed-upon projects, such as the construction of vehicle turnouts at scenic vista overlooks, or the purchase and erection of byways signing, or the provision of interpretive kiosks and other user guides. Grantees may be required to repay all or part of such a grant should the project not be completed satisfactorily. This is simply a normal project agreement process followed in most FHWA programs. Users of unencumbered grants have greater latitude in applying funds.

Within this framework, the Committee urges that the FHWA attach special importance to the use of grant funds that encourage States with modest or non-existent scenic byways programs to strengthen or initiate Statewide programs. The success of the recommended national scenic byways program will hinge on the States becoming involved, and willing to commit time and resources to it.

The Committee discussed but made no specific recommendations as to whether, in making its grants, the FHWA might give special attention to projects with any of the following attributes:

- Projects where Federal funds may serve as a “leverage” incentive to encourage local funding assistance. Such assistance might take the form of matching funds. Projects that provide more than the required 20 percent local match would tend to be favored over those with only the minimum.
- Projects involving other Federal agency scenic byways programs. Although no other Federal agencies would be eligible for direct funding grants from the FHWA, joint project financing by various Federal and State agencies would be highly desirable.
- Projects involving continuous multi-State scenic byways. One of the criteria for the designation of All-American Roads is that of length and continuity.
- Projects involving innovative techniques for the management of the valuable resources (the intrinsic values) within scenic byways corridors. Such projects might provide valuable models for use in other States.

### ***I. De-Designation Procedures***

The Committee feels that the need for de-designation will rarely occur but guidelines should be established. The careful selection of nominated roads, and a thorough review of accompanying corridor management plans should screen out candidates which have little chance of success.

- Roads designated as National Scenic Byways or All-American Roads may be considered for de-designation by the Secretary of Transportation if they no longer meet the intrinsic value criteria for designation; that is, if the local and/or State commitments described in a corridor management plan have not been met sufficiently to retain an adequate level of intrinsic values to merit designation.
- The de-designation of a National Scenic Byway or All-American Road should follow the same procedures as for its original nomination and designation, but paying special attention to (1) how well the byway has served as an asset to the community and brought to it desirable economic development, and (2) how faithfully corridor management plan provisions have been kept to retain an adequate level of intrinsic values within the corridor to merit designation. The

Committee believes that it is preferable to correct major deficiencies than to have to de-designate a National Scenic Byway or All-American Road.

- States should review designation every three to five years with communication to the FHWA for the record and review, including documentation which indicates that the intrinsic qualities and standards of the byway have been maintained.

In each monitoring effort, the States should pay particular attention to how well the goals of protecting intrinsic values in the long term have been balanced with other needs of increased tourism. Careful note should be made of the extent to which the result of this balance has created an economic benefit to the effected communities. Though formal reviews are suggested every three to five years, the Committee believes that monitoring should actually be a continuous process. Local and/or State intervention to correct management shortcomings should take place as soon as any serious deviations from corridor plans occur or seem imminent. In most instances, corridor monitoring followed by quick action where deficiencies are discovered should preclude ever having to pursue the de-designation process.

## **J. Signs**

### **1. Scenic Byways**

One of the first questions about identification signing on National Scenic Byways and All-American Roads involves the potential time and costs required if existing scenic byways signs had to be replaced all at once by new signs denoting National Scenic Byways or All-American Road status. To address this concern, the Committee agreed that some form of interim signing be added to existing signs and new signs phased in over time.

- The Committee recommends that there be one logo, shape, or symbol for National Scenic Byways and another for All-American Roads. They should be easily distinguishable one from the other.
- Such identification devices shall be mandatory, but phased in over time, and initially so designed that the States can attach or otherwise incorporate them into existing signs. The Committee recommends that FHWA consider offering options on how to do this.
- Such identification devices shall be developed by design professionals through a distinctive use of colors, letter sizes and styles, and artwork that will convey a distinguished and

environmentally sensitive image for the National Scenic Byways and All-American Roads programs. Such devices may be phased in over time, and sized initially as attachments to existing scenic byways signs.

- The logos, shapes, or symbols shall be trademarked (as was the Interstate Highway System symbol).
- Such identification devices also should be used on official maps, brochures, and promotional literature.
- The FHWA should fund the development of the logos, shapes, or symbols. The States and Federal land management agencies will be responsible for funding their production and placement, but for that purpose may apply for National Scenic Byways program funding.

In addition to those signs that simply identify a scenic byway as part of a national system, the Committee sees need for roadside signing that leads byways users to the byways—showing the direction and mileage to selected access points much as similar signing now directs users to the Interstate Highway System interchanges. Such guidance is seen to be particularly important on any national scenic byways likely to attract international tourists. For this reason, consideration should be given to multi-lingual directional signing in the areas expected to attract international visitors; such as directions in Japanese in areas popular with Japanese tourists, or German in areas popular with German tourists, and so forth.

The Committee feels that the size, color, and design of all National Scenic Byways signs and logos for all purposes could significantly impact the success of the proposed program and urges that these features be addressed by experienced design professionals.

## **2. Outdoor Advertising**

The most difficult issue for the Committee to resolve was outdoor advertising controls on scenic byways. Extensive discussion and debate resulted over the interpretation of the existing law as well as recommendations for the proposed National Scenic Byways program. Consensus could not be reached in several areas. Therefore votes were taken, often with very close results, to permit decisions to be arrived at on key issues. The appendix includes a description of the issues and the actual votes taken.



Congress included in the ISTEA a provision pertaining to scenic byways and outdoor advertising controls. The legislative language reads as follows: Title 23, United States Code, 131(s) says that "if a State has a scenic byways program, the State may not allow the erection along any highway on the Interstate System or the Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section."

As used in this ISTEA provision and this section of the report, the term Federal-aid primary system means the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on this system but which is on the National Highway System.

The Committee understands this section to mean that:

- A State, by virtue of nominating a State road or highway for designation as a National Scenic Byway or All-American Road, will be considered by the FHWA to have a scenic byways program. Any State with a road or highway designated pursuant to State law by any State agency, the State legislature, or the State governor as a scenic byway (or equivalent term) will also be considered by the FHWA to have a scenic byways program. The FHWA interpretation is based upon ISTEA statutory language and subsequent policy which specifies that State law governs the issue of what constitutes a designated scenic byway.

In the context of such statutory background and interpretation, the Committee finds and recommends that:

- A majority of the Committee did not support a recommendation that the Secretary of Transportation require a demonstrated commitment not to add new billboards, but accepting those which were in place. The Committee then agreed that its vote should not be construed as meaning it favored new billboards. [See Appendix A, Note 3.]

This motion referred to a prohibition of billboard construction on routes other than Interstate and Federal-aid primary routes which

are designated as National Scenic Byways and All-American Roads.\*

- A majority of the Committee, however, did recommend that the Secretary of Transportation encourage the States to extend billboard controls to limit new billboard construction on National Scenic Byways and All-American Roads. [See Appendix A, Note 4.]

This motion applies to all National Scenic Byways and All-American Roads, regardless of road system.\*

- A majority of the Committee recommends that corridor management plans for All-American Roads require States to demonstrate the ability and the commitment to ban construction of new billboards on All-American Roads except in communities with populations greater than 25,000, and to encourage the use of alternative business identification signs such as tourist oriented directional signs (TODS) and specific service (LOGO) signs. [See Appendix A, Note 5.]
- A majority of the Committee encourages the use of TODS or LOGOs or similar State-sponsored programs on appropriate byways subject to current law as alternative ways for businesses to advertise which are smaller and less intrusive to the visitor experience. [See Appendix A, Note 6.]
- A majority of the Committee recommends the development of a Federal TODS, LOGO, or similar program as alternative ways for businesses to advertise which are smaller and less intrusive to the visitor experience, with legislation if necessary. [See Appendix A, Note 7.]
- The ISTEA's and Highway Beautification Act's controls would apply to a scenic byway designated in accordance with the nomination process as a National Scenic Byway or All-American Road which is on the Interstate or Federal-aid primary system, even if it is not designated pursuant to State law as a State scenic byway.

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\* In balloting approval of the final report language, there was a lack of consensus among the Advisory Committee members over the interpretation of these two votes due to some disagreement among members as to the interpretation of the ISTEA statutory language. The FHWA reviewed the Advisory Committee comments and accepts full responsibility for the language interpreting these two votes.

## **K. Design Standards and Safety**

The TODS both identify and provide directional information about businesses, services, and activities, the major part of whose income or visitors are derived during the normal business season from tourists. Under current Federal rules, they are intended for use only on non-limited access rural roads and may not be erected at limited access highway interchanges.

The Committee believes that acceptable levels of byways user safety must always be provided. Both National Scenic Byways and All-American Roads should be capable of serving any two-wheel-drive automobile with standard road clearances. Where feasible, both National Scenic Byways and All-American Roads should also accommodate bicycle and pedestrian travel. The Committee's recommendations are that:

- A primary factor in setting design criteria for National Scenic Byways and All-American Roads should be to protect the intrinsic values of the road. Both American Association of State Highway and Transportation Officials (AASHTO) and State standards are acceptable, but should be used flexibly so that both safety and intrinsic values are maintained.
- The Committee supports the FHWA efforts to examine design flexibility within AASHTO standards as it relates to scenic, historic, natural, cultural, recreational, and archaeological areas. The Committee recommends the preparation of manuals and training for both professionals and lay people on design flexibility as it relates to these areas. The Committee supports the principle of using maximum flexibility in design standards in order to preserve intrinsic values without sacrificing safety.
- The Committee urges the States to apply AASHTO standards in ways that support scenic byways objectives. National Scenic Byways and All-American Roads should, for example, provide certain amenities not normally considered for other roads, including such features as improved see-through guard-rails on bridges, vehicle turning bays on narrow two-lane roads, or information kiosks with interpretive facilities.

For many years, the design standards for all State-owned and many federally owned roads have followed national guidelines developed by a standing committee of experts, and adopted by the AASHTO. Such standards provide nationally accepted rules for geometric design and most roadside safety features.

The design standards followed by the National Park Service, the U.S. Forest Service, the Bureau of Land Management, and the Bureau of Indian Affairs are generally derived from the AASHTO design standards and assure comparable safety levels for the users of federally owned roads.

The objective of the proposed scenic byways program is not, however, to “improve” designated National Scenic Byways or All-American Roads to any particular design standards. The objective is to accommodate tourists and other highway users safely, while preserving the intrinsic values of the scenic byways corridors.

In some instances, particularly on lower-volume secondary roads, a proposed National Scenic Byway or All-American Road may not meet nominal design standards for its class of road or highway. The safety of these roads for highway users might be sought by means other than physical improvements to the byways. Such alternatives include:

- Make the design deficiencies tolerable by reducing the speed limit and by adequately warning drivers of conditions to be expected through the use of caution and advisory signs, maps, and descriptive brochures.
- Prohibit those types of vehicles that cannot safely use the designated byway. For example, tour buses or large motor-homes might be restricted on sections with curves or grades difficult for them to negotiate safely.

# III. Other Recommendations

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The following Committee recommendations generally relate to the effective and timely implementation of a National Scenic Byways program, and to its gradual strengthening.

## ***A. ISTE A Fund Allocations and Scenic Byways Grants***

The Committee recommends that the minimum allocation provision in the ISTE A be changed to exclude the scenic byways grant program. This will ensure that States receiving scenic byways funds will not lose other ISTE A funds that they would otherwise receive.

## ***B. Tax Incentives for Corridor Land Owners***

The Committee urges that the Secretary of Transportation recommend tax incentives for land owners in scenic byways corridors as one means of preserving the intrinsic values of a corridor. The following possibilities might be considered:

- Allow the full deduction of appreciated property, including land and conservation easements, for individuals paying the Alternative Minimum Tax.
- Enhance estate tax incentives for donation of conservation easements and allow donation of easements for up to two years after a donor's death.
- Permit a roll-over, or delay of capital gains tax on farmland, if the land continues in agricultural use when it is sold.

- Have the Internal Revenue Service send guidance on the valuation of donated land and easements to all its regions and encourage consistent interpretation and use of the guidance.

These possibilities are being considered by other agencies, groups, and coalitions. Wherever possible, the Secretary's efforts should connect to these other efforts.

## ***C. Other Federal Agency Funding Priorities***

The Committee recommends that the Secretary of Transportation consult with all relevant Federal agencies (such as the Departments of the Interior, Agriculture, and Commerce) about their giving priority in their funding and other forms of assistance to areas covered by the corridor management plans of National Scenic Byways or All-American Roads.

## ***D. FHWA Technical Assistance***

The Committee recommends that FHWA provide technical aid to any Federal, State, or local agency, as well as to any Indian tribal government or local citizen group requesting technical help. Among the specific activities that the Committee feels the FHWA should undertake are:

- Serving as a clearinghouse for the exchange of information on all scenic byways matters, preparing procedural manuals, conducting training seminars, and sponsoring original research.

***E. Operations and  
Maintenance Standards***

- Preparing a handbook containing detailed explanations of possible corridor management measures.
- Developing a concept paper providing guidance on applying designation criteria and evaluating candidate roads for All-American Roads designation.
- Developing a concept paper on the various means of marketing National Scenic Byways and All-American Roads.

All nationally recognized scenic byways should be maintained to particularly high standards, not only for safety but also for preserving the highest levels of visual integrity.

Maintaining State-owned roadways and roadside facilities is customarily a responsibility of State highway agencies. To the extent that National Scenic Byways or All-American Roads require more than usual attention, it may be appropriate for local and State tourist or development agencies or any other volunteer group to assist the States, especially with regard to tourist services and amenities.

## **IV. Implementation Suggestions**

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### ***A. Moving Good Projects Quickly***

Good projects should be identified and moved ahead quickly so as to establish as soon as possible some highly visible and worthwhile results of the recommended national scenic byways program.

### ***B. Continued Congressional Support***

- The Committee compliments the Congress for its action in providing funding for the Interim Scenic Byways Program in years 1992, 1993, and 1994, and for earmarking \$14,000,000 for further scenic byways program activities for each of fiscal years 1995, 1996, and 1997. The Committee has high hopes that at least this level of funding can be continued into the future.





# Appendix A. List of Votes

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At its first meeting, the National Scenic Byways Advisory Committee agreed that rather than taking votes on every one of its recommendations, it would wherever possible base its recommendations on reaching acceptable consensus. However, the Committee also agreed that in instances where consensus could not be reached, its disagreements would be recorded by formal vote. The following notes record the vote on those seven subjects—out of the 147 addressed—on which no consensus was reached. Some of the motions have been edited in the report to clarify their intent.

Note 1: Passed by a vote of 13 for and 3 against. “The Committee recommends that nominations to the program of byways on public lands may originate from the U.S. Forest Service, the National Park Service, the Bureau of Land Management, or the Bureau of Indian Affairs, but must also come through the States, with the States’ concurrence.” The debate among the Committee was whether nominations of byways on public lands should require the States’ approval and concurrence or just the States’ concurrence. (Found on pages x and 7.)

Note 2: Passed by a vote of 7 for, 6 against, 2 abstentions, and 1 absent. “The Committee recommends that FHWA encourage States to use normally apportioned Federal-aid highway funds in ways that help achieve the objectives of the recommended scenic byways program, and that are not inconsistent with corridor management plans.” (Found on pages xiii and 15.)

Note 3: Voted down by 9 against, 6 for, and 1 absent. “The Committee agreed that a corridor management plan for a National Scenic Byway or an All-American Road include a demonstrated commitment not to add new billboards but accepting those that

were in place. The Committee then agreed that this should not be construed as meaning it favored new billboards.” (Found on pages xv and 21.)

Note 4: Passed by a vote of 8 for, 6 against, and 2 absent. “The Committee recommends that the Secretary of Transportation encourage the States to extend billboard controls to limit new billboard construction on National Scenic Byways and All-American Roads. (Found on pages xv and 22.)

Note 5: Passed by a vote of 9 for and 7 against. “The Committee recommends that corridor management plans for All-American Roads require States to demonstrate the ability and the commitment to ban new outdoor advertising except in communities with populations greater than 25,000, and to encourage the use of alternative business identification signs such as tourist oriented directional signs (TODS) and specific service (LOGO) signs.” (Found on pages xvi and 22.)

Note 6: Passed by a vote of 10 for and 2 against, and 4 absent. “The Committee encourages the use of TODS or LOGOs or similar State-sponsored programs on appropriate byways subject to current law as alternative ways for businesses to advertise which are smaller and less intrusive to the visitor experience.” (Found on pages xvi and 22.)

Note 7: Passed by a vote of 10 for and 2 against, and 4 absent. “The Committee recommends the development of a Federal TODS, LOGO, or similar program as alternative ways for businesses to advertise which are smaller and less intrusive to the visitor experience, with legislation if necessary.” (Found on pages xvi and 22.)



## **Appendix B. Individual Statements**

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Each member of the Advisory Committee was offered the opportunity to provide an individual supplementary statement. Three members have provided statements.

**Comment on the National Scenic Byways Advisory Committee Report**  
**Peter Brink, Vice President**  
**National Trust for Historic Preservation**

The National Trust for Historic Preservation commends the Advisory Committee and staff at FHWA for producing an excellent blueprint for the National Scenic Byways Program. The process by which the Committee reached a positive consensus on the vast majority of issues attests to the importance of the scenic byways program and to careful balancing of the various interests involved.

Although I fully approve the final report, I feel obliged to add one note of explanation. On page xv and page 21, the report states that "a majority of the Committee . . . did recommend that the Secretary of Transportation encourage the States to extend billboard controls to **limit** new billboard construction on National Scenic Byways and All-American Roads." (Emphasis added.) The intention of my vote was to **prohibit** new billboard construction in the circumstances set forth in the resolution.

**Comment on the National Scenic Byways Advisory Committee Report**  
**Nancy J. Fletcher, President and CEO**  
**Outdoor Advertising Association of America**

As the representative of the outdoor advertising industry on the National Scenic Byways Committee, I want to register my support for the National Scenic Byways Program. Additionally, in my capacity as chief executive of the Outdoor Advertising Association of America, Inc., I speak on behalf of the thousands of advertisers, lessors, public service recipients, and employees served by this industry. We are enthusiastic about a national scenic byways program, especially one that might increase national and international tourism, create new jobs, and stimulate economic development.

Next, let me state our position related to billboards on scenic byways. The outdoor advertising industry supports a ban on new billboards on the truly scenic portions of state designated scenic byways. There should be no misunderstanding about our stated position since we have consistently held this view from the very first conversations related to scenic byways. Billboards are a legitimate commercial and industrial business use and as such should be allowed only in bona fide commercial and industrial areas, not in areas of real scenic value.

In our opinion, tourism and economic development along scenic byways will be seriously hurt if the scenic byways program is misinterpreted or misused in such a way that the Highway Beautification Act of 1965 is overridden and thereby results in the elimination of the long held right of states and localities to determine whether they want billboards in bona fide commercial and industrial areas along controlled highways. Pursuant to the Highway Beautification Act of 1965, new billboards are permitted only in bona fide commercial and industrial areas as determined and allowed by each state. There are state and federal requirements to determine what is a valid bona fide commercial and industrial area and federal law imposes a ten percent penalty and reduction of highway funds for any abuses of these requirements.

There are portions of roadways that will be designated as national scenic byways that will pass for connectivity reasons through nonscenic commercial and industrial areas, even through comprehensively zoned urban cities. States and localities, in our opinion, should not lose the right to determine whether they want to place billboards in these nonscenic commercial and industrial portions of designated scenic byways.

Finally, it is important to recognize that states and localities are free to impose more restrictive requirements on billboards than the Highway Beautification Act. In fact, states can impose a total ban on billboards if they choose. Yet, most states and localities in America choose to allow billboards, under very strict controls and only in commercial and industrial areas, because local governments generally balance the economic and aesthetic needs of their communities and decide in favor of allowing tightly controlled billboards. Certainly the economic benefits of scenic byways, including a more diversified economy through tourism in many rural and depressed areas, will not occur if businesses in commercial and industrial areas cannot advertise themselves.

**Comment on the National Scenic Byways Advisory Committee Report**  
**Sally G. Oldham, President**  
**Scenic America**

The final report of the Advisory Committee outlines a valuable and exciting new program for recognizing, celebrating and protecting America's scenic byways. The Congressional mandate to balance conservation and use of resources along byway corridors is a new one to many states with existing scenic byways designations. The Federal Highway Administration has an important leadership role to play to ensure the success of the program. With adequate guidance and training and strong technical assistance from FHWA, the National Scenic Byways Program should amply meet Congress' high expectations to protect the special character of byway corridors as well as to generate economic development and tourism.

I have been privileged to serve as a member of the National Scenic Byways Advisory Committee. I was selected to represent those groups interested in scenic preservation. With these interests in mind, I have the following comment:

This report makes clear the importance of maintaining the visual integrity of a scenic byway corridor whatever may be its intrinsic values. In particular, I believe a proliferation of signs on National Scenic Byways or All-American Roads is to be avoided.

A key recommendation in this report reads: "A majority of the committee did recommend that the Secretary of Transportation encourage the States to extend billboard controls to limit new billboard construction on National Scenic Byways and All-American Roads. This motion applies to all National Scenic Byways and All-American Roads, regardless of road system."

I proposed the motion regarding encouraging states to limit new billboard construction on scenic byways and made clear in my proposal for the motion that the motion meant to encourage the prohibition of new billboard construction on scenic byway routes which extended beyond Interstate and Primary routes. In our meetings I brought to the attention of the Committee the Statement of Managers from the House-Senate Conference Committee Report for ISTEA which states, "The Conferees intend that under the Conference agreement no new billboards shall be enacted on scenic byways on the Interstate or Primary Systems as those systems are in effect on the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1991."





**PUBLICATION NO. FHWA-PD-93-053**  
**HEP-50 / 11-93 (5M)E**